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The situation of human rights in the Republic of Chechnya of the Russian Federation

Report of the Secretary-General

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Introduction

1. At the fifty-second session of the Commission on Human Rights, the Chairman read out a statement indicating the Commission's consensus agreement in connection with the situation of human rights in the Republic of Chechnya of the Russian Federation (see E/1996/23-E/CN.4/1996/77, para. 371) and recalled its Chairman's statement of 1995 on the same subject (see E/1995/23-E/CN.4/1995/176, para. 594). In the statement at its fifty-second session, the Commission expressed its deep concern that the disproportionate use of force by the Russian Federation armed forces was continuing to lead to grave violations of human rights, as well as of international humanitarian law.

2. The Commission strongly deplored the high number of victims and the suffering inflicted on the civilian population and on displaced persons, and the serious destruction of installations and infrastructure used by civilians. It called for all those who had committed violations of human rights and other crimes to be brought to justice. The Commission called urgently for an immediate cessation of the hostilities and of violations of human rights and for immediate contacts between representatives of the parties with the aim of achieving a peaceful solution to the conflict, consistent with respect for the territorial integrity and the Constitution of the Russian Federation, and reiterated that the fundamental human rights of the people of the Republic of Chechnya should be upheld. It further called for the unhindered delivery of humanitarian aid to all groups of the civilian population in need.

3. The Commission requested the Secretary-General to report on the situation of human rights in the Republic of Chechnya at its fifty-third session under the appropriate agenda item. The present report has been prepared in compliance with that request on the basis of information: (a) submitted by the Government of the Russian Federation; (b) available under United Nations human rights mechanisms and procedures; and (c) received from United Nations bodies and programmes, and from intergovernmental and non-governmental organizations.

4. It should be recalled that the hostilities in the Republic of Chechnya of the Russian Federation broke out in December 1994. This led to a rapid outflow of displaced persons - the vast majority women and children - from Chechnya to neighbouring republics and territories, as well as to other parts of Russia. The Government of the Russian Federation requested United Nations humanitarian assistance for internally displaced persons located in the three republics where there was the greatest concentration of such persons, namely Ingushetia, North Ossetia and Daghestan.

5. In mid-1995, negotiations conducted under the auspices of the Organization for Security and Cooperation in Europe (OSCE) began between the Russian Federation and a Chechen delegation, with the goal of reaching both a military and a political agreement. On 30 July 1995, a military agreement was signed but, in the absence of a political agreement, the ceasefire which was envisaged did not take hold. Nevertheless, a significant number of internally displaced persons gradually returned to their homes.

6. On 22 August 1996, a ceasefire agreement was signed. It was followed on 31 August by the signing by federal and separatist negotiators of a statement of principles, which became known as the Khasavyurt Agreement. In accordance with this document, federal forces would be withdrawn from Chechnya and further discussions on how Chechnya was to be administered would be held, while a decision on Chechnya's political status was to be delayed for five years until 31 December 2001. By the end of November 1996, most federal troops had been withdrawn from Chechnya and a joint federal-Chechen commission had been set up. Presidential and legislative elections were held for the Republic of Chechnya on 27 January 1997. Aslan Maskhadov, Prime Minister of the Chechen provisional Government and former chief of staff of Chechen insurgent forces, won the presidential election with 68.9 per cent of the vote. In the legislative elections only a few candidates received more than the required 50 per cent of the vote in their district. A second round of legislative elections was held on 15 February for the remaining electoral districts. Owing to an insufficient turn-out of voters in the second round, a third round of parliamentary elections will be held two months after the second round. On the basis of monitoring by some 100 foreign observers of the first round of the elections, OSCE declared them to have been free and fair, with only minor procedural problems.

I. UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

7. Since 1995, the High Commissioner for Human Rights has carried out a number of consultations with the Russian authorities on the human rights situation in Chechnya and has maintained contacts with United Nations agencies, intergovernmental organizations, in particular OSCE, and non-governmental organizations concerned with a view to contributing to the promotion and protection of human rights in Chechnya.

8. In February 1997, the High Commissioner and the Government of the Russian Federation agreed on a third visit of the High Commissioner's envoy to the Russian Federation to have consultations in Moscow with the Secretary of the Russian Security Council and in the region concerned. The High Commissioner's envoy previously visited the Russian Federation at the invitation of the Government from 20 to 30 May 1995 and from 28 to 30 March 1996.

II. THEMATIC MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS

9. The reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Commission at its present session contains information on his activities with regard to Chechnya (E/CN.4/1997/60/Add.1, paras. 402-419).

10. The reports of the Special Rapporteur on the question of torture to the Commission at its present session contain information on his activities with regard to Chechnya (E/CN.4/1997/7, paras. 170-171 and E/CN.4/1997/7/Add.1, paras. 417-426).

III. SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

11. On 21 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a decision on the humanitarian situation in the Republic of Chechnya of the Russian Federation (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, decision 1996/107).

IV. HUMAN RIGHTS TREATY BODIES

12. During the period under review, the only human rights treaty body to consider a report of the Russian Federation was the Committee against Torture. It considered that report (CAT/C/17/Add.15) at its 264th, 265th and 268th meetings held on 12 and 14 November 1996 (see CAT/C/SR.264, 265 and 268).

13. In its concluding observations (see CAT/C/SR.268), the Committee expressed concern regarding widespread reported abuses of human rights in the conflict in Chechnya, including serious acts of torture, coupled with apparent failure to check them and address them speedily and effectively. The Committee recommended the establishment of an independent committee to investigate allegations of torture, inhuman and degrading treatment committed by the military forces of the Russian Federation and Chechen separatists with a view to bringing to justice those against whom there was evidence tending to establish their involvement or complicity in such acts.

V. OTHER ORGANIZATIONS

14. On 27 December 1994, the Government of the Russian Federation, through its Federal Migration Service, requested humanitarian assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) for persons displaced from Chechnya. The displaced persons are located principally in the three neighbouring Republics of Daghestan, Ingushetia and North Ossetia, as well as in Chechnya itself. The Government also requested assistance from the International Organization for Migration (IOM) and from the International Committee of the Red Cross (ICRC), which were already present in the region and which were focusing attention initially on displaced persons within Chechnya.

A. Organization for Security and Cooperation in Europe

15. On 15 December 1996, in response to a request from the Secretary-General, OSCE provided the following information in connection with their activities in Chechnya, reproduced in extenso below.

> "Human rights in Chechnya following the cessation of hostilities in August 1996
>
> "1. The Human rights situation in Chechnya changed after August 1996 becoming substantially different from that under conditions of war since the end of 1994. The armed conflict, which severely affected the population of the Republic - Chechen- and Russian-speaking alike - has ceased. The peace process and the resulting political arrangements have

steadily solidified since the August cease-fire and subsequent withdrawal of federal troops. On 23 November, President Yeltsin issued a decree ordering the withdrawal of the final federal units from Chechnya. There are grounds to hope for a democratic process in view of the presidential and parliamentary elections to be held on 27 January 1997. With the de facto absence of federal authority, after August 1996, the principal practical responsibility for the protection of human rights is in the hands of the Government of the Chechen Republic.

"2. In the new environment, it appeared that the human rights situation stabilized relatively, and in some respects improved over the conditions before or after December 1994 (beginning of the war):

Since the end of August 1996, there has gradually been an abolition of checkpoints (block posts), and there is freedom of movement in the Republic, in stark contrast to what existed before.

With the major exception of continuing detention of Chechens arbitrarily taken during the war, human rights violations by the Russian Federation presumably ceased. (There are limited unconfirmed reports of "provocations" including attacks on civilians, by persons allegedly linked to the federal security services. These have allegedly resulted in disappearances and killings.)

Although crime affects specifically the Russian speaking population, the Assistance Group (AG) is unaware of any official policy of the Chechen authorities or measures of discrimination against minorities.

No reports have been received that torture was being used systematically against political opponents or other people arrested by the official services, nor about people persecuted for their views.

"3. The main current human rights problems are - at least in part - a consequence of the war:

In the initial days after the August fighting, there were a variety of unconfirmed reports of isolated revenge killings, or that former Zavgaev regime officials or personnel had been arrested and some allegedly executed. There were continuing additional reports of arbitrary detentions, including by the Chechen Security Service.

In part due to the numerous unemployed former fighters and the weakness of the law enforcement/judicial structures, Chechnya is experiencing an extremely serious crime wave, especially occupation of dwellings and kidnappings. Many people simply have disappeared. In general, kidnapping, like other crimes, has reached crisis proportions. Most of the kidnappings have

political purposes cannot be excluded. This particularly affects the non-Chechen population, not protected by traditional family or clan ties.

There are still wartime detainees on both sides, and a much larger number of missing persons. The ceasefire and initial peace process agreements called for the exchange of prisoners all against all, a principle rhetorically accepted by both sides. In fact, many prisoners held by the Chechens have been released in the past month, but there have not been commensurate releases on the federal side.

The presence in the Republic of a large, but undetermined quantity of mines and other unexploded ordnance. The vast preponderance of these devices were deployed by federal forces."

B. International Committee of the Red Cross

16. Since the beginning of the conflict, ICRC, alone and in cooperation with the local committees of the Russian Red Cross Society, operated both inside and outside of Chechnya. Its activities of protection of and assistance to the civilian population included: visiting detainees; search missions to reunite families split up by the fighting; medical assistance; supply of drinking water to prevent outbreaks of epidemics; promotion of respect for humanitarian rules and cooperation; and support of local Red Cross agencies.

17. Tragically, on 17 December 1996 at 4 a.m. local time, six ICRC expatriate delegates were shot dead by unidentified gunmen at their quarters at the ICRC hospital in Novye Atagi, near Grozny. Five of the murdered delegates had been seconded to ICRC by the national Red Cross societies of Canada, the Netherlands, Norway and New Zealand. The sixth, a Spanish nurse, was under contract to ICRC. Another delegate, a Swiss national, had gunshot wounds.

18. Pending an improvement in security conditions and information on the motives for the attack, and also to give itself time to plan its future approach in the region, ICRC has suspended part of its operation, though a number of activities are continuing.

19. Prior to the attack, ICRC had resumed visits to some 30 detainees; transmitted more than 18,000 messages to enable separated families to stay in touch; provided assistance to over 20 health centres treating the war wounded; refurbished and re-equipped two key hospitals in Grozny; was the sole provider of drinking water for the city; carried out sanitation work for villages and schools and for 30 collective centres for displaced persons in Daghestan; launched a major waste evacuation operation to get the sewage system in Grozny working again; provided food parcels, wheat flour, blankets and plastic sheeting to more than 50,000 vulnerable people; prepared 7,000 cooked meals a day in 17 public kitchens; provided essential school equipment to 100,000 children in the region, helped to rebuild or repair schools; distributed some 30,000 sets of children's winter clothing; and provided support to five local communities of the Russian Red Cross in the northern Caucasus in carrying out social programmes for vulnerable groups.

communities of the Russian Red Cross in the northern Caucasus in carrying out social programmes for vulnerable groups.

20. After 17 December 1997, all programmes requiring the presence of expatriates have been suspended in the region. Several limited programmes continue. These are supported by ICRC and can be carried out by the local Red Cross or the Ministry of Health. They include: sustaining efforts to gain access to detainees still held by the federal authorities in connection with the conflict in places of detention outside of the Republic of Chechnya; continuing re-equipment of hospitals and medical facilities under the responsibility of the Ministry of Health; operating the pumping station for the chief source of safe drinking water for the city of Grozny; support for 17 public kitchens for vulnerable populations; support for local Russian Red Cross communities; dissemination on international humanitarian law for the federal armed forces stationed in the region and training of locally recruited staff to resume dissemination activities in the Republic of Chechnya as soon as the situation permits.

VI. THE GOVERNMENT OF THE RUSSIAN FEDERATION

21. In response to a request by the Secretary-General, the Government of the Russian Federation transmitted information and its views in connection with the statement of the Chairman of the fifty-second session of the Commission on Human Rights on the situation of human rights in the Republic of Chechnya of the Russian Federation. The contents are summarized below. The full document is available for consultation in the Secretariat.

22. The Government outlined the measures taken in 1996 to resolve the crisis in the Chechen Republic. These included a number of presidential decrees and the signing of agreements for the peaceful settlement of the fighting in the Chechen Republic. Notably, on 23 November 1997, President Yeltsin signed the "Decree on measures for ensuring the further peaceful settlement in the Chechen Republic", and the "Agreement on principles of cooperation of the sides until the election of the president and parliament of the Chechen Republic". The Government stated that the measures taken were evidence of its firm position to resolve the situation in the Chechen Republic by peaceful means and in accordance with the Constitution of the Russian Federation.

23. The Government expressed its concern about problems of criminality in the Chechen Republic which were spilling over into the surrounding region. It provided a brief listing of cases of hostages taken for ransom, threats, physical attacks and killings. The victims included local citizens, officials, visiting national and foreign journalists and humanitarian workers in the region, such as the ICRC hospital workers who were murdered.

24. The Government provided data of the Federal Migration Service of the Russian Federation showing that the flow of people from the Chechen Republic had not ceased following the withdrawal of Russian troops. The Government saw this as a result of increased criminal activity.

25. The Government stated that it had made use of every possible opportunity to ensure protection of the rights of citizens participating in the elections

26. In the framework of strengthening the peaceful regulation of the crisis in the Chechen Republic of the Russian Federation, the Government of the Russian Federation stated that it had cooperated with OSCE in the Chechen Republic.

27. In connection with the events in the Chechen Republic, the Government further stated in the information submitted to the Secretary-General that it was continuing to cooperate with the special mechanisms of the Commission on Human Rights. The Government of the Russian Federation considered that the measures carried out by the federal powers with the goal of the peaceful settlement of the crisis in the Chechen Republic of the Russian Federation were fully in accordance with the conditions of the Chairman's statement at the fifty-second session of the Commission on Human Rights on the situation of human rights in the Republic of Chechnya of the Russian Federation.

28. The Secretary-General thanks the Government for its communications and the constructive cooperation it has provided to the various United Nations mechanisms on human rights.

VII. NON-GOVERNMENTAL ORGANIZATIONS

29. A number of non-governmental organizations transmitted reports 1/ on the situation in the Republic of Chechnya of the Russian Federation to the Secretary-General. Such organizations based outside the Russian Federation, included Human Rights Watch/Helsinki, Amnesty International, Unrepresented Nations and Peoples Organization (UNPO), Committee to Protect Journalists, the Seimas of the Republic of Lithuania, and the International Group of Parliamentarians on the Problem of Chechnya. Information was also received from organizations based in the Russian Federation, these included the Memorial Society Human Rights Centre, the Congress of Political Parties and Movements of Chechnya, and the Human Rights Institute of Russia.

30. Information from non-governmental organizations changed significantly in nature after the ceasefire in late August 1996. Before the ceasefire, the allegations transmitted were similar to the allegations detailed in the Secretary-General's report of 1996 (E/CN.4/1996/13). Subsequent to the ceasefire and the withdrawal of federal troops, submissions from NGOs have focused on accountability for past abuses, the need for demining, and the general need for increased law enforcement and advisory services on legislative initiatives.

1/ Available for consultation in the Secretariat.

Annex

ACTION BY UNITED NATIONS HUMANITARIAN BODIES AND AGENCIES

A. Department of Humanitarian Affairs

1. The Department of Humanitarian Affairs (DHA) of the Secretariat, in close collaboration with other humanitarian organizations, carries out its task of facilitating interagency communication and coordination through its involvement in information-gathering, liaison with all humanitarian partners, as well as with the Government of the Russian Federation, the dissemination of appeals and situation reports and the establishment of various coordination mechanisms. The overall coordination in-country falls under the responsibility of the United Nations Resident Coordinator in Moscow, who is also the UNHCR Representative and DHA Coordinator.

2. The 1996 programme of emergency humanitarian assistance for persons displaced by the conflict in Chechnya consisted of support for the provision of shelter, water and sanitation, food and health services for the internally displaced persons (IDPs) located in Ingushetia, North Ossetia and Daghestan. The appeal for 1996 sought US$ 13.1 million and had elicited a generous donor response of 81 per cent, as of 30 October 1996.

3. The interagency mission, comprised of headquarters representatives from DHA, UNHCR, the World Food Programme, the United Nations Children's Programme, the World Health Organization, and IOM, visited the north Caucasus region from 22 to 28 October 1996. The mission noted that the situation in that region was extremely complex with a mix of IDP and refugee problems and concluded that a broad regional approach to humanitarian needs was required. Further, it noted that the relative stability in Chechnya following the ceasefire which had come into effect in late August 1996 was enabling the United Nations humanitarian programme to extend limited non-food assistance inside Chechnya.

4. Based on the findings of the mission, a two-pronged approach was recommended for 1997:

(i) Encouragement of the return of IDPs from Chechnya, through the provision of returnee packages and small-scale rehabilitation assistance in villages of origin. The assistance would be managed by United Nations offices in Ingushetia and Daghestan, and would not require the establishment of a United Nations office in Chechnya.

(ii) Support for the integration of those IDPs who will not return, located in Ingushetia, Daghestan, North Ossetia, Kabardino-Balkaria and Stavropol.

B. Office of the United Nations High Commissioner for Refugees

5. Following the signing of ceasefire and peace agreements on Chechnya in late August 1996, UNHCR began providing small-scale rehabilitation assistance to areas in Chechnya bordering Ingushetia and Daghestan. Small-scale

rehabilitation work of health clinics and schools, as well as the distribution of domestic items and food parcels from Saudi Arabia, began in September 1996.

6. The UNHCR intervention is designed to facilitate a phased return of some 75,000 IDPs from and within Chechnya to their former places of residence in Chechnya by improving the living conditions in war-affected areas of return through small-scale rehabilitation and restoration of essential social services and infrastructure.

C. World Food Programme

7. In 1996, WFP assisted more than 90,000 displaced persons in Ingushetia, North Ossetia and Daghestan with a comprehensive food basket of wheat flour, rice, edible oil and sugar. The target group of beneficiaries comprised IDPs from Chechnya and the Prigorodny district, as well as refugees from Georgia. In Ingushetia, the WFP food aid programme was interrupted in July owing to reservations by the local government against indiscriminate and unconditional food distributions to those IDPs who did not wish to return home. Approval was granted in late August and food distributions were immediately resumed.

8. WFP plans to assist the integration of Chechen IDPs in Daghestan and Ingushetia. Besides the provision of food aid packages aimed at facilitating integration, the possibility of food-for-work activities in conjunction with UNHCR shelter rehabilitation work will also be examined.

D. World Health Organization

9. Activities in 1996 were implemented by WHO Copenhagen with logistical support from UNHCR field offices in the region. The main activities carried out were support to the vaccination campaign, cholera control in Daghestan and prosthetic assistance to amputees in Ingushetia and North Ossetia.

10. WHO envisages future activities in the northern Caucasus region which are of primary importance, including projects aimed at the control of communicable diseases in the region, in particular vaccine preventable diseases, acute diarrhoeal diseases and tuberculosis, and mental health assistance.